

## REMARKS

Reconsideration of the above mentioned application is hereby requested in view of the above amendments and remarks which follow. The Applicants are appreciative of the Examiner's thorough consideration of the Response After Final and in the recognition of allowable subject matter, namely claims 13 and 15-23.

The Examiner rejected claims 1 and 10 under 35 U.S.C. § 103(a) as being obvious over Lee (U.S. Patent 5,844,401) in combination with Wulff, et al. (U.S. Patent 7,299,373). Applicant respectfully urges that independent claim is patentably distinguishable over this combination of references.

The Examiner indicated that as to claim 1, that Lee teaches a housing (3) having a battery receiving cavity, the cavity being profiled to receive at least a battery therein (Figure 3A); electrodes for contacting contacts on the battery for charging the battery (Col. 3, lines 39-41); the housing further comprising an opening through the housing and into the cavity and a gripping member (71) movable transversely into and out of the housing opening (Figure 3A) between a locked (Col. 4, lines 10-12) and unlocked position (Col. 4, lines 19-23), the gripper being forced transversely into the battery (5) in the locked position for frictionally (friction between gripping member 71 and battery element 51) gripping a battery placed within the cavity (Figure 3A).

Applicants believe that the Examiner has mischaracterized the teachings of Lee, U.S. Patent No. 5,844,401. Lee shows a charging device as shown in Figures 3A and 3B, which may receive a battery 5 in order to charge the battery. The battery charging unit includes a locking member 7 which operates under the influence of a spring 8. The locking member 7 pivots about a point between the positions shown in Figures 3A and 3B. The battery charger includes a sliding part 6 having a projection 62 which is received in a projection groove 72 such that when the sliding part 6 is moved in the direction of the arrow (Figure 3B), the "projection groove 72 of locking member 7 makes contact with and cams with projection 62 of sliding part 6." This

causes the locking member to rotate to the open position shown in Figure 3B. (Column 3, lines 50-51).

The Lee battery charger does not include an opening through the housing with a gripping member movable transversely into and out of the housing opening as required by claim 1. Nor does the examiner point to an opening through the housing member. Rather, Lee has the locking member 7 positioned adjacent to the battery, and it moves into a locking groove 51 within the battery itself. Moreover, there is no frictional gripping friction between gripping member 71 and battery element 51 as suggested by the Examiner. Rather, Lee shows the locking projection 71 being received within the locking groove 51, which latch locks (not friction locks) the battery in place.

As noted by the Examiner, Lee does not cam the locking member into position. Rather, the locking member 7 is spring loaded from the position shown in Figure 3B to the position shown in Figure 3A where a locking projection 71 is received in a locking groove 51 of the battery.

Due to this shortcoming, the Examiner has found a reference Wulff, which shows a first unit 12 having a battery housing 14 having a multi-stage release assembly for detaching battery 10 in a controlled manner. The first catch and latch mechanism includes a pair of buttons 20 which are made from the same material as the housing and further include a flex spring sheet mechanism (not shown) which is attached to an interior of the battery housing. The flex spring sheet mechanism is intended to engage a projection on the battery. The specification quoted by the Examiner is that the "buttons 20 can also include cams or wheels rotating on a shaft, at their ends that can deflect the flex spring sheet causing the release or engagement of the projection on the battery unit 10". Unfortunately, Wulff shows none of this detail, however Applicants believe that the spring steel flex mechanism would be a cantilever beam style member which is moved

with the assistance of the buttons 20. What is clear is that the spring steel flex member engages latches or projections on the battery housing itself.

In the present disclosure, Applicants do not require or utilize projections on the battery housing or the device itself for retention within the battery charger. Rather, the gripping member itself is moved transversely into the battery receiving area or opening and a gripping member is cammed into place and is frictionally held by the friction member 102. Applicants believe that a combination of Lee and Wulff would not suggest a cam for moving a gripping member into frictional engagement as claimed.

As the Examiner has failed to show a reference or a combination of references showing a gripping member moving transversely into the housing opening and a gripping member for frictionally gripping a battery placed within the cavity, Applicants believe that claim 1 is patentably distinct from the combination of Lee and Wulff.

Given all of the remarks herein, Applicants believe that claims 1 and 3-13, and 15-23 are in condition for allowance and respectfully request early passage thereof.

If necessary to effect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (72249.90034). However, please do not include the payment of issue fees.

Respectfully submitted,

/Eric J. Groen/  
Eric J. Groen, Reg. No. 32,230  
Baker & Daniels  
300 North Meridian, Suite 2700  
Indianapolis, IN 46204  
Telephone: (317) 237-1115  
Fax: (317) 237-1000